

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**L.Y., by her parents and natural guardians
MARIE-ELISABETH and RUSSELL YOUNG,**

Civ. A. No. 08-1586 WTL-DML

Plaintiff,

v.

**INDIANA HIGH SCHOOL ATHLETIC
ASSOCIATION, INC. and MONROE
COUNTY COMMUNITY SCHOOL CORP.,**

Defendants.

**JOINT MOTION FOR STAY PENDING FINAL
IHSAA BOARD APPROVAL OF RULE 9-10 AMENDMENT**

The Plaintiff, L.Y., by her parents Marie-Elisabeth and Russell Young, and Defendant Indiana High School Athletic Association, Inc., jointly move for a stay of this action pending final approval of a recent amendment made to Indiana High School Athletic Association Rule 9-10. If the amended Rule is finally approved – and the IHSAA believes that it will be – the parties have agreed to discontinue the action. Therefore, it would waste resources to proceed with discovery in a case that will probably be dismissed. In support of this Joint Motion, the parties aver as follows:

1. On November 21, 2008, Plaintiff L.Y., by her parents Marie-Elisabeth and Russell Young, filed a complaint challenging Indiana High School Athletic Association (“IHSAA”) Rule 9-10 because, *inter alia*, Rule 9-10 prohibited girls from trying out for their high school baseball team when the high school offers softball.

2. On January 22, 2009, the IHSAA Executive Committee approved an emergency amendment to Rule 9-10 which allows girls to participate on a school's baseball team regardless of whether the school has a softball program.

3. The emergency amendment, however, is subject to final approval and disposition by the Board of Directors at their annual meeting in May. Specifically, under IHSAA By-Law IV, Section 4(n), the emergency amendment shall be in force until the next meeting of the Directors, at which time the amendment will be subject to disposition by the Board of Directors.

4. In accordance with the By-Laws, the IHSAA Commissioner intends to submit the proposed amendment to Board of Directors at the annual meeting on May 4, 2009 and expects the Board to approve it.

5. As such, the parties jointly request that this court stay this matter pending final IHSAA Board of Directors approval of the emergency amendment to Rule 9-10.

6. If the IHSAA Board of Directors approves the emergency amendment to Rule 9-10 at its annual meeting currently scheduled for May 4, 2009, and continues to allow girls to participate in baseball regardless of whether the school has a softball team, then the parties have agreed to stipulate to the dismissal of this action.

WHEREFORE, in accordance with the above, and in the interests of judicial economy, the parties jointly request that this Court stay this matter pending final IHSA Board approval of the amendment to Rule 9-10 scheduled to take place in May 2009.

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Dated: February 6, 2009

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2009, a copy of the foregoing Joint Motion for Stay Pending Final Board of Rule 9-10 Amendment was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

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